

S.B.Cr.Misc. Bail App. No. 4646/07
(Rahul Vs. State of Rajasthan)

Date of order : 18/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Pradeep Shah for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and statements of prosecution witnesses.

It is contended by learned counsel for the petitioner that the prosecution had made an effort to implant the witness PW-5 Smt. Nirmala Choudhary @ Neelu as a witness of the last seen, but from her statement, it appears that she is not the witness to the last seen prior to occurrence. There being no other evidence connecting the petitioner in commission of offence. Learned counsel has invited my attention to the statement of PW-9 Kesulal, A.S.I. P.S. Pratapnagar, Udaipur who stated that the deceased was found loitering in suspicious circumstances on 13.12.2006, she was arrested under Section 109 Cr.P.C. and ultimately on 14.12.2006 her friend Neelu who is said to be PW-5 Smt. Nirmala Choudhary @ Neelu came and talked to her, however, she was released on bail and thereafter after few days she was found dead as per the paper news.

On perusal of the statement of witnesses more particularly the statement of PW-5, she is not witness to the last seen just prior to the occurrence, at best her evidence is to the extent that she went to the

deceased and the deceased said that she would not accompany her as she would like to go with the petitioner to market, but no one has seen the deceased going with the present petitioner to the market soon before her death.

Without commenting on the merit of the case, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Rahul S/o Shri Madan Lal be released on bail in FIR No. 99/2007, P.S. Ambamata, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP